



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

DEPT. OF TRANSPORTATION

00 JUL 27 AM 9:50

Memorandum

92956

Subject: INFORMATION: Ex Parte Communications
with Consumer and Auto Groups on Advanced Air Bags

Date: JUL 7 2000

From: L. Robert Shelton
Executive Director

Reply to
Attn. of:

To: Dockets 1999-6407 and 2000-7013

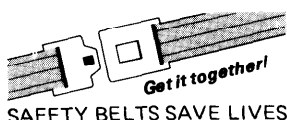
Thru: Frank Seales, Jr.
Chief Counsel

NHTSA-1999-6407-155
NHTSA-2000-7013-37

On the evening of December 7, 1999, and the morning of December 8, 1999, in separate calls, I telephoned Erika Jones (Mayer, Brown & Platt - providing legal counsel to the Alliance of Automobile Manufacturers), Josephine Cooper (Alliance of Automobile Manufacturers), Susan Cischke (DaimlerChrysler Corporation), Robert Lange (General Motors Corporation), and Lou Camp (Ford Motor Company). In each of the conversations, I indicated that Alliance representatives had told me that the Alliance was likely to support, in its forthcoming comments on NHTSA's Supplemental Notice of Proposed Rulemaking (SNPRM), an advanced air bag final rule with a maximum speed of 25 mph for the unbelted barrier crash test and a maximum speed of 30 mph for the belted barrier crash test. I pointed out to each of these individuals that such a position was not consistent with the three major options that NHTSA had outlined in the SNPRM. In summary, these three options were: (1) belted and unbelted full-frontal barrier crash tests at 30 mph, (2) belted full-frontal barrier crash test at 30 mph, with an unbelted offset crash test performed with a maximum speed between 30 and 35 mph, and (3) unbelted full-frontal barrier crash test at 25 mph, with a likely increase in the belted full-frontal barrier crash test speed to 35 mph. I indicated that, with the Department facing a statutory date of March 1, 2000, for completing the advanced air bag rulemaking, the agency was not likely to choose an option other than one of the three covered in the SNPRM. I particularly noted that the agency's SNPRM had coupled a possible unbelted test speed of 25 mph with a likely increase in the belted test speed to 35 mph.

On December 8, 1999, at approximately 5:00 p.m., Josephine Cooper stopped by my office on her way to attending the Secretary's Holiday Party. She indicated that the Alliance was considering a belted test speed of 35 mph.

On December 16, 1999, in response to an invitation from Joan Claybrook (President, Public Citizen), I met at Public Citizen's offices with a number of consumer and insurance group representatives. These included Joan Claybrook, Tim Hoyt (Nationwide Insurance),



Michael Kido (Center for Auto Safety), Sally Greenberg (Consumers Union), Jack Gillis (Consumer Federation of America), David Biss (Automotive Safety Analysis, Inc.), Jackie Gillan and Henry Jasny (Advocates for Highway and Auto Safety), and others. Robert Sanders (Parents for Safer Air Bags) participated via telephone. Ms. Claybrook did most of the talking for the group, indicating that she and a number of other members of the groups had recently met with representatives for the auto companies, who were outlining for the consumer groups the auto industry's case for a 25 mph unbelted test. In general, Ms. Claybrook outlined to me why she felt that the auto companies had not made a persuasive case. For example, she stated that if a 30 mph unbelted test speed was too aggressive for small females, there would be more evidence of it in the "real-world" crash data. She also argued that dual-inflation air bag technology should allow manufacturers to meet a 30 mph unbelted test for both a 5th percentile female dummy and a 50th percentile male dummy. She also argued that auto manufacturers have "real-world" crash data of their own, through systems such as GM's OnStar system, that they should provide to the agency. Mr. Sanders raised concerns about the agency's proposed revised air bag warning label (located on the sunvisor), indicating his belief that the proposed new label "diluted" the current warning label. Ms. Claybrook and Mr. Sanders made many of these same points in a subsequent meeting with Deputy Secretary Downey on January 14, 2000 (see docket 1999-6407-92).

On December 22, 1999, I met in my office with Joan Claybrook and Cathy Chapman (Public Citizen), Clarence Ditlow and Michael Kido (Center for Auto Safety), and Henry Jasny (Advocates for Highway and Auto Safety). Rosalyn Millman (NHTSA Deputy Administrator) briefly joined the meeting. The meeting was primarily a reiteration, by Ms. Claybrook and Mr. Ditlow, of the points made by the consumer groups at the December 16, 1999, meeting at Public Citizen.